APPENDIX.

Section 773—U. S. C. A. Title 28:

"Issues of fact in civil cases in any district court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury." (R. S. #649.)

Section 875—U. C. S. A. Title 28:

"When an issue of fact in any civil cause in a district court is tried and determined by the court without the intervention of a jury, *according to section 773 of this title,* the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed upon a writ of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment." (R. S. #700.)

Section 11—Smith-Hurd Ill. Ann. Stats., Chap. 39:

"Whenever a devisee or legatee in any last will and testament, being a child or grandchild of the testator, shall die before such testator, *and no provision shall be made for such contingency,* the issue, if any there be, of such devisee or legatee, shall take the estate devised or bequeathed as the devisee or legatee would have done had he survived the testator, and if there be no such issue at the time of the death of such testator, the estate disposed of by such devise or legacy shall be considered and treated in all respects as intestate estate." (R. S. c. 3 #200.)